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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,918	08/27/2003	Katsuhiko Miya	P/1250-258	5086

2352 7590 12/30/2005

OSTROLENK FABER GERB & SOFFEN  
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NEW YORK, NY 100368403

EXAMINER
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MACARTHUR, SYLVIA

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/648,918

**Applicant(s)**

MIYA ET AL.

**Examiner**

Sylvia R. MacArthur

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-19, and 21 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 11-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/14/2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al (US 2002/0074020) in view of Tsuchiya et al (US 6,810,888).

Ono et al teaches a single wafer type substrate cleaning method and apparatus. Ono et al teaches a substrate processing apparatus supplying a fluid to a rotated substrate for performing prescribed processing, comprising:

A substrate holding/rotating element 11 holding and rotating the substrate; and an atmosphere blocking member 30 corresponding in planar shape and size to the substrate, arranged oppositely and proximately to at least one surface of the substrate held by the substrate holding/rotating element and formed with a gas discharge port wherein gas is discharged to the central portion of the surface of the substrate.

Regarding claim 1: Ono et al fails to teach a processing solution discharge portion and an outer gas discharge port.

Tsuchiya et al teaches a wafer rotary holding apparatus comprising a spin chuck and a treatment fluid introduction means 76 that are capable of discharging a fluid.

The motivation to modify the apparatus of Ono et al to introduce a plurality of discharge ports as taught by Tsuchiya et al is that plurality of processing fluids can be introduced to the substrate in a controlled manner. Additionally, the duplication of parts was found to have been obvious by In re Harza, 274F.2d 669, 124 USPQ 378 (CCPA 1960).

Thus, it would have been obvious for one of ordinary skill in the art at the time of the claimed invention to modify the apparatus of Ono et al to provide a plurality of discharge ports for a plurality of fluids as taught by Tsuchiya et al.

Regarding claims 3, 7: Element 76c of Tsuchiya et al meets this limitation. Note that the port of Tsuchiya et al though taught is discharge water is also capable of discharging another fluid even a gas.

Regarding claims 4, 5, 8, and 9: These are process limitations that are not given patentable weight, as they do not require further structural limitation. See col. 11 and 12 of Tsuchiya et al to note the method in which the fluids are introduced.

Regarding claims 6, 10, and 19: Tsuchiya et al teaches a support cylinder 76 to arrange the plurality of discharge ports.

***Response to Arguments***

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4. Applicant's arguments filed 9/29/2005 have been fully considered but they are not persuasive. The prior art by Tsuchiya et al meets the limitations of the present invention as discussed in the aforementioned rejections. Regarding the argument that there is a difference in size between the blocking member and the substrate. Note that the size of the substrate is a matter of an intended use and the substrate is not a part of the apparatus and an apparatus is defined by what it is and not what it does nor the article onto which it performs a function. In this case the blocking member does correspond to the substrate in shape though the correspondence is not one to one, this would also be seen as a matter of an intended use.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

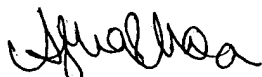
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sylvia R. MacArthur whose telephone number is 571-272-1438.

The examiner can normally be reached on M-F during the core hours of 9 a.m. and 3 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on 571-272-1435. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sylvia R MacArthur  
Patent Examiner  
Art Unit 1763

December 27, 2005



**PARVIZ HASSANZADEH**  
**SUPERVISORY PATENT EXAMINER**